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Attorney for Joseph D. Torczon, in his Official Capacity.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

JERAMIE JOHN E. LARGE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 10-CV-155-D
	)	
JOSEPH D. TORCZON, Deputy Jailer,	)	
Park County Detention Center, in his	)	
Official and Individual Capacity,	)	
	)	
Defendant.	)	

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**DEFENDANT'S JOINT MOTION FOR CONFESSION, PURSUANT TO  
U.S.D.C.L.R. 7.1(b)(2)(A), OF DEFENDANT'S MOTIONS FOR  
JUDGMENT ON THE PLEADINGS AND MOTIONS  
FOR SUMMARY JUDGMENT**

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The Defendant Joseph D. Torczon, in his individual capacity, by and through the Office of the Attorney General of the State of Wyoming and in his official capacity, by and through his counsel, Richard Rideout, Esq., of the Law Offices of Richard Rideout, PC, Cheyenne, Wyoming, hereby moves the Court to find that the Plaintiff's failure to respond to Defendant's Motions for Judgment on the Pleadings and or the Defendant's Motions for Summary Judgment is a confession of the motions pursuant to U.S.D.C.L.R.7.1(b)(2)(A). In support of this motion, Defendant states:

1. The Plaintiff filed the instant Civil Rights Complaint on August 3, 2010. [Doc. #1].
2. On April 13, 2011 the Defendant, in his individual capacity, filed his Motion for Judgment on the Pleadings, along with a supporting memorandum of law. [Docs. #20 and 21].
3. On April 15, 2011 the Defendant, in his official capacity, filed a Motion for Judgment on the Pleadings. [Doc. #22].

4. On the same day, April 15, 2011, the Defendant filed his Joint Motion to Stay or Vacate Current Settings. [Doc. #23].

5. On April 25, 2011, this court denied the Defendants Motion to Stay. [Doc. #24].

6. On May 13, 2011, the Defendant, in both capacities, filed Motions for Summary Judgment, along with supporting memoranda of law. [Docs. #26-29].

7. The Plaintiff's response to the Defendants Motions for Summary Judgment was due on May 20, 2011. [Doc. 19, p.3].

8. As of the date of this filing, the Plaintiff has not responded to the Defendant's Motions for Judgment on the Pleadings nor to his Motions for Summary Judgment.

9. U.S.D.C.L.R. 7.1(b)(2)(A) provides that a party opposing a dispositive motion shall, within fourteen (14) days, "serve upon all parties a written brief containing a short, concise statement of the argument and authorities in opposition to the motion... [f]ailure of a responding party to serve a response within the ten

(10) day time limit may be deemed by the Court in its discretion as a confession of the motion.”<sup>1</sup>

10. Since filing his Complaint and his Motion to Proceed *In Forma Pauperis* and Supporting Affidavit on August 3, 2010, the Plaintiff has not conducted any discovery, has not designated an expert, and has not responded to any documents filed in his case. In fact, when this Court granted the Defendant’s Motion for a More Definite Statement, the Plaintiff did not respond. [Docs. #15].

11. To date, the Plaintiff has not conducted any discovery in his case nor has he designated an expert and the deadlines to do so have long passed. [Doc. #19].

12. The Plaintiff has failed to prosecute his case and this court should dismiss his Complaint with prejudice.

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<sup>1</sup> It is believed that the reference to a “ten (10) day time limit” is an error and it should read “fourteen (14) day time limit”

**WHEREFORE**, the Defendant respectfully request the court grant his Motions for Summary Judgment and dismiss all claims against him with prejudice.

**DATED** this 24<sup>th</sup> day of June, 2011.

/s/ Patricia L. Bach

Patricia L. Bach  
Assistant Attorney General

/s/ Richard Rideout

Richard Rideout

**CERTIFICATE OF SERVICE**

I do hereby certify that I electronically filed the foregoing on this 24<sup>th</sup> day of June, 2011, and served the following *via* First Class Mail:

Jeramie John E. Large #27013  
Wyoming State Penitentiary  
P.O. Box 400  
Rawlins, Wyoming 82301

/s/ MaryBeth Jones

MaryBeth Jones  
Office of the Attorney General